



U.S. Department
of Transportation
**Federal Aviation
Administration**

Aviation Safety

800 Independence Ave
Washington, DC 20591

November 17, 2021

Exemption No. 18948
Regulatory Docket No. FAA-2021-0932

Mr. Scott Janetsky
Director of Flight Operations
Columbia Helicopters, Inc.
14452 Arndt Rd NE
Aurora, OR 97002

Dear Mr. Janetsky:

This letter is to inform you that the Federal Aviation Administration (FAA) has granted your request for an exemption. This letter transmits the FAA's decision, explains the FAA's basis, and provides the conditions and limitations of the exemption, including the date it ends.

The Basis for the FAA's Decision

By letter dated October 4, 2021, you petitioned the FAA on behalf of Columbia Helicopters, Inc. (Columbia) for an exemption from § 135.175(a) of Title 14, Code of Federal Regulations (14 CFR) to the extent necessary to allow Columbia to operate its fleet of Boeing-Vertol 107-II and Kawasaki-Vertol 107-II helicopters configured for zero-to-nineteen passengers without being equipped with approved airborne weather radar.

The FAA has issued grants of exemption in circumstances similar in material respects to those presented in your petition. In Grant of Exemption Nos. 5254 and 18433 (copies enclosed), the FAA found that the cost of installing the radar equipment would far outweigh the benefits to be derived from its use and that an exemption to operate without it is warranted and will provide a level of safety equivalent to that provided by the regulation, subject to certain conditions and limitations.

Having reviewed your reasons for requesting an exemption, the FAA finds that:

- They are similar in all material respects to relief previously requested in the enclosed Grant of Exemption Nos. 5254 and 18433;
- The reasons stated by the FAA for granting the enclosed Grant of Exemption Nos. 5254 and 18433 also apply to the situation presented in your petition; and

- A grant of exemption is in the public interest.

The FAA's Decision

The FAA has determined that good cause exists for not publishing a summary of the petition in the *Federal Register*. The FAA has determined that good cause exists because the requested exemption would not set a precedent and any delay in acting on this petition would be detrimental to Columbia.

Under the authority contained in 49 U.S.C. §§ 106(f), 40113, and 44701, which the FAA Administrator has delegated to me, I hereby grant Columbia Helicopters, Inc. an exemption from 14 CFR § 135.175(a) to the extent necessary to allow Columbia to operate its fleet of Boeing-Vertol 107-II and Kawasaki-Vertol 107-II helicopters configured for zero-to-nineteen passengers without being equipped with approved airborne weather radar, subject to the conditions and limitations described below.

Conditions and Limitations

1. This exemption is limited to those Columbia helicopters listed in its operations specifications.
2. This exemption is limited to operations conducted during day visual flight rules weather conditions only.
3. Columbia may not release a flight when thunderstorms or other potentially hazardous weather conditions are reported or forecasted along the route to be flown for the period of time required for the flight.
4. Notwithstanding Condition and Limitation No. 3 above, Columbia may release a flight under this exemption when thunderstorms are forecast in Columbia's area of operation, provided that Columbia has a method of determining the occurrence of thunderstorms along its routes and the method if approved by the FAA certificate holding district office. Procedures to be followed, under an approved method to determine the presence of thunderstorms, must be included in the operations manual required by Section 135.21.
5. No operations under this exemption may be conducted until the method and procedures have been approved by the FAA Safety Assurance Office with oversight responsibility of the petitioner's Air Carrier Certificate, and have been included in the manual.
6. Columbia's flight must not traverse any area of known hazardous weather conditions.

Failure to comply with any of the above conditions and limitations may result in the immediate suspension or rescission of this exemption.

The Effect of the FAA's Decision

This exemption terminates on November 30, 2023, unless sooner superseded or rescinded.

To request an extension or amendment to this exemption, please submit your request by using the Regulatory Docket No. FAA-2021-0932 (<http://www.regulations.gov>). In addition, you should submit your request for extension or amendment no later than 120 days prior to the expiration listed above, or the date you need the amendment, respectively.

Any extension or amendment request must meet the requirements of 14 CFR § 11.81.

Sincerely,

/s/

Robert C. Carty
Acting Executive Director, Flight Standards Service

Enclosures

Exemption No. 5254

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, D.C. 20591

* * * * *

In the matter of the petition of *

SEA AIR SHUTTLE CORPORATION *
d/b/a VIRGIN ISLANDS SEAPLANE *
SHUTTLE *

Regulatory Docket No. 26375

for an exemption from *
Section 135.175(a) of the *
Federal Aviation Regulations *

* * * * *

GRANT OF EXEMPTION

By letters dated October 15 and November 1, 1990, Mr. Roy Nerenberg, of Nerenberg and Bowytz, 2828 Pennsylvania Avenue, NW., Washington, DC, 20007-3719, attorney for Sea Air Shuttle Corporation (SASC), d/b/a Virgin Islands Seaplane Shuttle, P.O. Box 37893, Airport Station, San Juan, Puerto Rico, 00937-0893, petitioned the Federal Aviation Administration (FAA) for an exemption from Section 135.175(a) of the Federal Aviation Regulations (FAR). The proposed exemption would permit SASC to conduct flights under visual flight rules (VFR) with large multi-engine airplanes without airborne radar installed.

The Petitioner requires relief from the following section:

Section 135.175(a) states that no person may operate a large, transport category aircraft in passenger-carrying operations unless approved airborne weather radar equipment is installed in the aircraft.

The petitioner supports its request with the following information:

SASC states that it has acquired the principal operating assets of Virgin Islands Seaplane Shuttle, Inc. (old VISS) which was forced to discontinue scheduled seaplane service in the Virgin Islands/Puerto Rico region following the devastation of Hurricane Hugo last year. Old VISS is undergoing Chapter 11 bankruptcy reorganization. SASC is acquiring only the assets and not the stock or liabilities of old VISS. It is in the final stages of completing its

fitness review before the Department of Transportation and is looking toward the earliest grant of requisite approval. SASC is also proceeding toward the completion of the documentation and qualification for the prompt issuance of a commuter air carrier operating certificate from the FAA Puerto Rico District Office.

SASC states that it intends to resume U.S. Virgin Islands/Puerto Rico/British Virgin Islands seaplane service at the soonest practicable time to restore to the region these vital and essential airline services. The downtown, waterside service by SASC, as in the case of similar service by old VISS, will provide the traveling public in the region with unique, convenient air service not possible with airport-to-airport operations. In the main, SASC will operate over the same basic routes and utilize the same seaplane ramp facilities and some of the same aircraft and personnel as old VISS.

SASC states that a grant of its proposed exemption would not adversely affect safety. As noted, SASC seeks a grant of an exemption from Section 135.175(a) that is virtually indistinguishable from Exemption No. 3487, as amended, previously issued to old VISS dating back to 1982 and earlier. As in the case of old VISS, a grant of exemption to SASC is imperative to enable it to operate essential seaplane services. The FAA has previously recognized that the cost of installing airborne radar equipment would far out weigh the benefit to be derived from its use, and that an exemption to operate without it is warranted and provides a level of safety equivalent to that provided by Section 135.175(a).

The operations by SASC will be conducted over the same relatively short routes as those conducted by old VISS and in an area of relatively good weather. By its very nature, waterside seaplane service is confined to daylight VFR conditions. Hence, SASC believes that the requirement to install weather radar by SASC is as unwarranted as it was for old VISS. SASC points out that in recognition of these considerations, the FAA has authorized old VISS and other seaplane operators to conduct operations without airborne radar installed subject to appropriate conditions and limitations.

With regard to the release of a flight under the requested exemption when thunderstorms are forecast in the area of operations, SASC intends to utilize the same methods of determining the occurrence of thunderstorms along its routes as utilized by old VISS. To that end, SASC has requested approval of such methods by the FAA Puerto Rico District Office and intends to incorporate relevant provisions containing such methods in its operations manual as required by Section 135.21.

SASC states that it will operate the following Grumman G73 Mallard aircraft which will be incorporated in its initial operations specifications:

N609SS
N611SS
N653SS
N651SS

Additional amphibious aircraft as may be acquired by SASC from time to time will be incorporated into its operations specifications.

The area of operations for which exemption is sought is limited to the U.S. Virgin Islands/Puerto Rico/British Virgin Islands over the following VISS routes:

St. Thomas/St. Croix
St. Thomas/San Juan
St. Thomas/St. John
St. Thomas/British Virgin Islands
St. Croix/San Juan
St. Croix/St. John
St. Croix/British Virgin Islands
San Juan/British Virgin Islands
San Juan/St. John

All flights to/from St. Thomas, St. Croix, St. John and the British Virgin Islands will take off or land on the water rather than utilize the island airport, if any.

SASC believes good cause exists not to delay processing its petition for publication and public comments in the Federal Register. SASC states that the proposed exemption would not set a precedent and that the delay would cause SASC a severe economic hardship.

The FAA's analysis/summary is as follows:

The FAA finds that for the good cause shown by SASC, processing of its petition should not be delayed for publication and public comments in the Federal Register.

The FAA has given due consideration to the points raised by the petitioner and to the fact that SASC will be operating in an area where little thunderstorm activity is observed. Accordingly, the FAA has determined that the costs of installing the radar equipment would far outweigh the benefits to be derived from its use and that an exemption to operate without it is warranted and will provide a level of safety equivalent to that provided by the rule from which exemption is sought, subject to the conditions and limitations of this exemption.

In order to provide an equivalent level of safety and to maintain the highest possible degree of safety in the public interest as required by Section 601(b) of the Federal Aviation Act, the FAA finds that SASC may not release a flight, under this exemption, when thunderstorms or other potentially hazardous weather conditions are reported or forecast along the routes to be flown for the period of time required for the flight except as provided in the condition and limitation of this exemption. The conditions of this exemption are warranted in the public interest and are necessary to permit SASC to operate a large, transport category airplane in passenger-carrying operations without approved airborne weather radar equipment being installed in its airplanes.

The FAA has in its grants of exemption to old VISS and other operators allowed flights to be conducted without having approved airborne weather radar equipment installed. However, to allow VFR flight into a carrier's area of operation without having some system to determine whether hazardous weather conditions exist or are expected to occur along the carrier's routes is unacceptable. There are other options available to VISS. The following are acceptable alternatives:

1. SASC could employ the services of an approved weather forecaster or agency that can provide weather information to supplement area and terminal forecasts issued by the National Weather Service (NWS).
2. SASC could arrange to supplement the NWS forecasts by using an approved ground based weather radar that could provide timely weather information to its flightcrews.
3. SASC could install approved thunderstorms detection equipment similar to that required by Section 135.173 and could develop approved procedures to use the equipment to avoid thunderstorms.

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in Sections 313(a) and 601(c) of the Federal Aviation Act of 1958, delegated to me by the Administrator (14 CFR 11.53), Sea Air Shuttle Corporation, d/b/a Virgin Islands Seaplane Shuttle, is granted an exemption from Section 135.175(a) of the Federal Aviation Regulations to the extent necessary to allow SASC to conduct day VFR flights in large, multiengine aircraft without approved airborne weather radar equipment installed.

This exemption is subject to the following conditions and limitations:

1. This exemption is limited to those SASC airplanes

listed in its operations specifications.

2. This exemption is limited to the following routes:

St. Thomas/St. Croix
St. Thomas/San Juan
St. Thomas/St. John
St. Thomas/British Virgin Islands
St. Croix/San Juan
St. Croix/St. John
St. Croix/British Virgin Islands

3. SASC may not release a flight when thunderstorms or other potentially hazardous weather conditions are reported or forecast along the routes to be flown for the period of time required for the flight.
4. Notwithstanding Condition No. 3 above, SASC may release a flight under this exemption when thunderstorms are forecast in SASC's area of operation provided that SASC has a method of determining the occurrence of thunderstorms along its routes and the method is approved by the certificate holding FAA district office. Procedures to be followed, under an approved method to determine the presence of thunderstorms, must be included in the operations manual required by Section 135.21. No operations under this exemption may be conducted until the method and procedures have been approved by the FAA district office and have been included in the manual.
5. SASC's flights shall not traverse any area of known hazardous weather conditions.

This exemption terminates on December 31, 1992, unless sooner superseded or rescinded.

/s/ William C. Withycombe
Acting Director
Flight Standards Service

Issued in Washington, D.C. on December 3, 1990.



U.S. Department
of Transportation
**Federal Aviation
Administration**

Aviation Safety

800 Independence Ave
Washington, DC 20591

December 23, 2019

Exemption No. 18433
Regulatory Docket No. FAA-2019-0829

Mr. Scott Janetsky
Director of Flight Operations
Columbia Helicopters, Inc.
14452 Arndt Rd NE
Aurora, OR 97002

Dear Mr. Janetsky:

This letter is to inform you that the Federal Aviation Administration (FAA) has granted your request for exemption. It transmits the FAA's decision, explains its basis, and gives you the conditions and limitations of the exemption, including the date it ends.

The Basis for the FAA's Decision

By letter dated October 15, 2019, you petitioned the FAA on behalf of Columbia Helicopters, Inc. (Columbia) for an exemption from § 135.175(a) of Title 14, Code of Federal Regulations (14 CFR) to the extent necessary to allow Columbia to operate its fleet of VERTOL-234 helicopters without being equipped with approved airborne weather radar.

The FAA has issued grants of exemption in circumstances similar in material respects to those presented in your petition. In Grant of Exemption Nos. 8810 and 17409A (copies enclosed), the FAA found that the cost of installing the radar equipment would far outweigh the benefits to be derived from its use and that an exemption to operate without it is warranted and will provide a level of safety equivalent to that provided by the regulation, subject to certain conditions and limitations.

Having reviewed your reasons for requesting an exemption, I find that—

- They are similar in material respects to relief previously requested in the enclosed Grant of Exemption Nos. 8810 and 17409A;

AFS-20-130690-E

- The reasons stated by the FAA for granting the enclosed Grant of Exemption Nos. 8810 and 17409A also apply to the situation you present; and
- For the reasons stated in the enclosed Grant of Exemption Nos. 8810 and 17409A, a grant of exemption to Columbia is in the public interest.

The FAA's Decision

The FAA has determined that good cause exists for not publishing a summary of the petition in the Federal Register because the requested exemption would not set a precedent, and any delay in acting on this petition would be detrimental to Columbia.

Under the authority contained in 49 U.S.C. §§ 106(f), 40113, and 44701, which the FAA Administrator has delegated to me, I hereby grant Columbia Helicopters, Inc. (Columbia) an exemption from 14 CFR § 135.175(a) to the extent necessary to operate its fleet of VERTOL-234 helicopters without being equipped with approved airborne weather radar, subject to the conditions and limitations described below.

Conditions and Limitations

1. This exemption is limited to those Columbia helicopters listed in its operations specifications.
2. This exemption is limited to operations conducted during day visual flight rules weather conditions only.
3. Columbia may not release a flight when thunderstorms or other potentially hazardous weather conditions are reported or forecasted along the route to be flown for the period of time required for the flight.
4. Notwithstanding Condition and Limitation No. 3 above, Columbia may release a flight under this exemption when thunderstorms are forecast in Columbia's area of operation, provided that Columbia has a method of determining the occurrence of thunderstorms along its routes and the method is approved by the FAA certificate holding district office. Procedures to be followed, under an approved method to determine the presence of thunderstorms, must be included in the operations manual required by § 135.21.
5. No operations under this exemption may be conducted until the method and procedures have been approved by the FAA Safety Assurance Office with oversight responsibility of the petitioner's Air Carrier Certificate, and have been included in the manual.

6. Columbia's flight must not traverse any area of known hazardous weather conditions.

If you request an extension to this exemption, please submit your request by using the Regulatory Docket No. FAA-2019-0829 (<http://www.regulations.gov>). In addition, you should submit your request no later than 120 days prior to the exemption's expiration date listed below.

If you require an amendment to this exemption, please submit your request no later than 120 days prior to the date you need the amendment using the process indicated above.

Any extension or amendment request must meet the requirements of § 11.81 of 14 CFR.

This exemption terminates on January 31, 2022, unless sooner superseded or rescinded.

Sincerely,

/s/

Robert C. Carty
Deputy Executive Director
Flight Standards Service

Enclosures